

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

THIS DOCUMENT RELATES TO:

ALL CASES

MDL No. 2419
Docket No. 1:13-md-2419 (RWZ)

**NON-PARTY SUMMIT SURGERY CENTER'S MOTION TO QUASH 30(B)(6)
DEPOSITION BY WRITTEN QUESTIONS**

Non-party Summit Surgery Center (“Summit”) hereby moves to quash the subpoena issued by Defendants Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopaedic Associates, Premier Orthopaedic Associates Surgical Center, LLC, Kimberly Yvette Smith, M.D., a/k/a Kimberly Yvette Smith-Martin, M.D., Thomas Dwyer, M.D., Rhaul Shah, M.D., John Catalano, M.D., Richard DiVerniero, M.D. and Richard Strauss, M.D. (the “Premier Defendants”) pursuant to Fed. R. C. P. 45(d)(3) and 26(b)(1). As grounds for this motion, Summit relies on and fully incorporates its Memorandum of Law in Support of Motion to Quash 30(b)(6) Deposition by Written Questions and the Declarations of Byron McEntire and Maura K. Monaghan, all of which are submitted herewith.

WHEREFORE, Summit respectfully requests that the Court quash the subpoena issued by the Premier Defendants.

LOCAL RULES 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), undersigned counsel states that they have conferred with counsel for the Premier Defendants and attempted in good faith to resolve or narrow the issues presented in this motion.

Dated: February 29, 2016

Respectfully submitted,

/s/ Maura K. Monaghan

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